

OGC 66-0150

2 February 1966

MEMORANDUM FOR: Director of Central Intelligence

**SUBJECT: Statutory Authorities of the Director of
Central Intelligence**

1. This memorandum is for information.
2. The Director of Central Intelligence was constituted as head of the Central Intelligence Agency by section 102(a) of the National Security Act of 1947, as amended, and consequently the functions of the Agency are the responsibility of the Director of Central Intelligence.
3. The statute puts the Agency under the National Security Council and provides in section 102(d) that the duties of the Agency are "For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security . . . under the direction of the National Security Council."
4. The over-all responsibility for the intelligence activities of the Government departments and agencies and for their coordination is set forth in subsections 102(d)(1) and (2). These are implemented by National Security Council Intelligence Directive No. 1 and more particularly by the letter from President Johnson to the Director of Central Intelligence of 21 September 1965.
5. The responsibility for producing National Estimates and other finished intelligence relating to the national security is set forth in paragraph 102(d)(3), to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the

Government This paragraph also provides, "That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

6. The responsibility for the conduct and coordination of espionage and counterespionage is in subsections 102(d)(4) and (5), "to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;" and "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." (The congressional committees at the time considered using the words "espionage" and "counterespionage" but deemed it unwise to do so.) This responsibility is implemented by NSCID No. 5.

7. Responsibility for covert action is not clearly spelled out in the statute but may be related in part to section 102(e)(5) "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." However, many covert action programs have little relation to intelligence, and I gave an opinion in 1949 to the then DCI that the Central Intelligence Agency Act of 1949 gave the Agency the enabling authorities necessary to conduct covert activities, provided we had appropriate direction from the National Security Council or the President and the Congress provided funds for the purpose. A restricted directive, NSC 10/1, was issued by President Truman in 1949, and this was followed in 1950 by NSC 10/2, also approved by President Truman, giving a broad charter to the Agency for covert action directed against the communist threat. This was restated under President Eisenhower by NSC 5412, dated March 1955, and more recently by National Security Action Memoranda approved by President Kennedy and more recently by President Johnson, particularly NSAM 300. As you know, the Congress has provided the funds required for these actions covertly after review by our Appropriations Subcommittees.

s/

OGC:LRH:jeb
cc: DDCI
ADDP
DD/ONE

LAWRENCE R. HOUSTON
General Counsel